

House Amendment 1998

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1 1 Amend House File 923 as follows:
1 2 ~~#1.~~ Page 14, by striking lines 15 through 26.
1 3 ~~#2.~~ Page 14, by inserting before line 27 the
1 4 following:
1 5 <Sec. _____. Section 453A.43, subsections 1 and 2,
1 6 Code 2007, as amended by 2007 Iowa Acts, Senate File
1 7 128, are amended to read as follows:
1 8 1. a. A tax is imposed upon all tobacco products
1 9 in this state and upon any person engaged in business
1 10 as a distributor of tobacco products, at the rate of
1 11 twenty=two percent of the wholesale sales price of the
1 12 tobacco products, except little cigars and snuff as
1 13 defined in section 453A.42.
1 14 b. In addition to the tax imposed under paragraph
1 15 "a", a tax is imposed upon all tobacco products in
1 16 this state and upon any person engaged in business as
1 17 a distributor of tobacco products, at the rate of
1 18 twenty=eight percent of the wholesale sales price of
1 19 the tobacco products, except little cigars and snuff
1 20 as defined in section 453A.42, ~~with the limitation~~
~~1 21 that if the tobacco product is a cigar, the additional~~
~~1 22 tax shall not exceed fifty cents per cigar.~~
1 23 c. Notwithstanding the rate of tax imposed
1 24 pursuant to paragraphs "a" and "b", if the tobacco
1 25 product is a cigar, the total amount of the tax
1 26 imposed pursuant to paragraphs "a" and "b" combined
1 27 shall not exceed fifty cents per cigar.
1 28 ~~e. d.~~ Little cigars shall be subject to the same
1 29 rate of tax imposed upon cigarettes in section 453A.6,
1 30 payable at the time and in the manner provided in
1 31 section 453A.6; and stamps shall be affixed as
1 32 provided in division I of this chapter. Snuff shall
1 33 be subject to the tax as provided in subsections 3 and
1 34 4.
1 35 ~~d. e.~~ The taxes on tobacco products, excluding
1 36 little cigars and snuff, shall be imposed at the time
1 37 the distributor does any of the following:
1 38 (1) Brings, or causes to be brought, into this
1 39 state from outside the state tobacco products for
1 40 sale.
1 41 (2) Makes, manufactures, or fabricates tobacco
1 42 products in this state for sale in this state.
1 43 (3) Ships or transports tobacco products to
1 44 retailers in this state, to be sold by those
1 45 retailers.
1 46 2. a. A tax is imposed upon the use or storage by
1 47 consumers of tobacco products in this state, and upon
1 48 the consumers, at the rate of twenty=two percent of
1 49 the cost of the tobacco products.
1 50 b. In addition to the tax imposed in paragraph
2 1 "a", a tax is imposed upon the use or storage by
2 2 consumers of tobacco products in this state, and upon
2 3 the consumers, at a rate of twenty=eight percent of
2 4 the cost of the tobacco products, ~~with the limitation~~
~~2 5 that if the tobacco product is a cigar, the additional~~
~~2 6 tax shall not exceed fifty cents per cigar.~~
2 7 c. Notwithstanding the rate of tax imposed
2 8 pursuant to paragraphs "a" and "b", if the tobacco
2 9 product is a cigar, the total amount of the tax
2 10 imposed pursuant to paragraphs "a" and "b" combined
2 11 shall not exceed fifty cents per cigar.
2 12 ~~e. d.~~ The taxes imposed by this subsection shall
2 13 not apply if the taxes imposed by subsection 1 on the
2 14 tobacco products have been paid.
2 15 ~~d. e.~~ The taxes imposed under this subsection
2 16 shall not apply to the use or storage of tobacco
2 17 products in quantities of:
2 18 (1) Less than twenty=five cigars.
2 19 (2) Less than one pound smoking or chewing tobacco
2 20 or other tobacco products not specifically mentioned
2 21 herein, in the possession of any one consumer.>
2 22 ~~#3.~~ Page 17, by inserting after line 17 the
2 23 following:
2 24 <Sec. _____. REFUNDS. Refunds of taxes which result

2 25 from the amendment to section 453A.43, in this
2 26 division of this Act, relating to the limitation on
2 27 the taxes imposed on cigars occurring between March
2 28 15, 2007, and the effective date of the amendment to
2 29 section 453A.43 in this division of this Act, shall
2 30 not be allowed unless refund claims are filed prior to
2 31 October 1, 2007, notwithstanding any other provision
2 32 of law. Claimants shall not be entitled to interest
2 33 on any refunds.

2 34 Sec. _____. EFFECTIVE DATE AND APPLICABILITY. The
2 35 provision in this division of this Act amending
2 36 section 453A.43, and the section of this division of
2 37 this Act providing refunds resulting from the
2 38 amendment of section 453A.43, being deemed of
2 39 immediate importance, take effect upon enactment and
2 40 are retroactively applicable to March 15, 2007.>

2 41 #4. Title page, by striking lines 4 and 5 and
2 42 inserting the following: <taxes, providing an
2 43 effective date, and providing retroactive
2 44 applicability date provisions.>

2 45 #5. By renumbering as necessary.

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2 49 _____
2 49 SCHUELLER of Jackson

2 50 HF 923.502 82

3 1 pf/je/10102